

A. G. Contract No. KR91-2975-TRD
ECS File: JPA-91-121
Project: RAM 600-5-511
TRACS: H 0861 01C
Section: East Papago Freeway
(Priest Drive -
McClintock Drive)
City of Tempe Contract C92-49

INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
THE CITY OF TEMPE

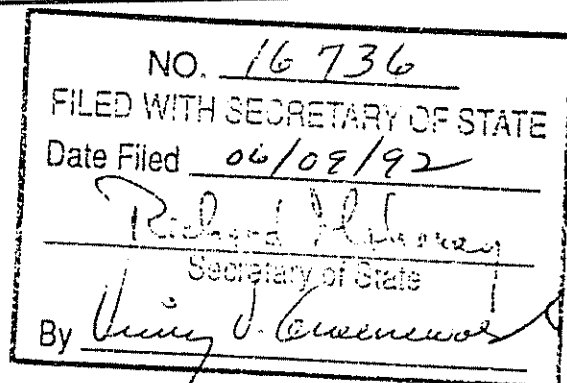
THIS AGREEMENT is entered into 9 June, 1992,
pursuant to Arizona Revised Statutes, Sections 11-951 through
11-954, as amended, between the STATE OF ARIZONA, acting by and
through its DEPARTMENT OF TRANSPORTATION (the "State") and the
CITY OF TEMPE, acting by and through its City Council (the
"City").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes
Section 28-108 to enter into this agreement and has by
resolution, a copy of which is attached hereto and made a part
hereof, resolved to enter into this agreement and has delegated
to the undersigned the authority to execute this agreement on
behalf of the State.

2. The City is empowered by Arizona Revised Statutes
Section 48-572 and City Charter, Section 103 to enter into this
agreement and has by resolution, a copy of which is attached
hereto and made a part hereof, resolved to enter into this
agreement and has authorized the undersigned to execute this
agreement on behalf of the City.

3. Incident to the State's construction of the East
Papago Freeway, the City requested and the State agreed to
install 270 linear feet of 66" storm drain under Mill Avenue
Viaduct and connect to an existing 66" culvert to the north and
to the 66" culvert north levee penetration at station 14+00 to
the south, at the City's expense. Total cost is \$46,575. The
purpose of this agreement is to reimburse the State for the
above said work completed by change order to the existing
project.



THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

II. SCOPE OF WORK

1. The State will:

a. Upon execution of this agreement, provide an invoice to the City for actual costs listed as Bid Item No. 5011508 on Project No. RAM 600-5-511 under Change Order No. 10, attached hereto and made a part hereof as Exhibit "A", in the amount of \$40,500 plus 15% construction engineering and administration, for a total cost of \$46,575.

b. Be responsible for any contractor claims for extra compensation due to delays or whatever reason attributable to the State.

2. The City will:

a. Upon receipt and approval of an invoice, reimburse the State \$46,575. for actual costs to install said storm drain under Mill Avenue Viaduct.

b. Be responsible for any contractor claims for extra compensation due to delays or whatever reason attributable to the City.

c. Maintain the storm drain as shown on Exhibit "B", attached hereto and made a part hereof.

III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of said payment; provided, however, that this agreement, except any provisions herein for maintenance, which shall be perpetual, may be cancelled, upon thirty (30) days written notice to the other party.

2. This agreement shall become effective upon filing with the Secretary of State.

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518(B) and (C).

6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation
Joint Project Agreement Branch
Mail Drop 616E
205 South 17 Avenue, Room 222E
Phoenix, AZ 85007

City of Tempe
City Manager
31 East 5th Street
Tempe, Arizona 85281


7. Attached hereto and incorporated herein is a copy of the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.


CITY OF TEMPE, a Municipal
Corporation,

By 
HARRY E. MITCHELL
Mayor

STATE OF ARIZONA
Department of Transportation

By 
ROBERT P. MICKELSON, P.E.
Deputy State Engineer

ATTEST


By 
City Clerk

4175j
15JAN92

RESOLUTION

BE IT RESOLVED on this 12th day of December 1991, that I, CHARLES E. COWAN, as Director of the Arizona Department of Transportation, have determined that it is in the best interest of the State of Arizona that the Department of Transportation, acting by and through the Highways Division, to enter into an agreement with the the City of Tempe for the purpose of determining responsibilities for the City's requested installation of a 66 inch storm drain located under the Mill Avenue Viaduct in connection with the construction of the East Papago Freeway.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted for approval and execution by the Deputy State Engineer.



CHARLES E. COWAN, Director
Arizona Department of
Transportation

SUPPLEMENTAL AGREEMENT

☒ Change Order
☐ Force Account Work Request

Project No RAM-600-5-511/H086101C Fund Code 4148 No 10
Name of Project EAST PAPAGO
(Briar Drive - Indian Bend Wash) Contractor FNE Construction, Inc

DESCRIPTION AND REASON

REQUEST:

To increase Item 5011508, RCP Class 4, 66" RG
To decrease Item 6016095, Headwall 66"

REASON:

The City of Tempe requests the Department install an additional 270 L.Ft. of RCP in accordance with Plan Sheets 90 and 535 (attached). The City of Tempe plans to build a park in the vicinity of the current project. The installation of the pipe a station 14+00 (N. Levee), at this time would be both more convenient and less costly. The RCP eliminates a ditch now providing drainage for SRP, thus facilitating access and creating additional area for City of Tempe's park.

COST ANALYSIS:

<u>ITEM</u>	<u>DESCRIPTION</u>	<u>QUANTITY</u>	<u>UNIT</u>	<u>UNIT PRICE</u>	<u>AMOUNT</u>
5011508	RCP Class 4, 66" RG	+ 270	L.Ft.	\$ 150.00	+ \$40,500.00
5016095	Headwall 66"	- 1	Each	\$6,000.00	- \$ 6,000.00

TOTAL DIFFERENCE

PLUS	MINUS
\$ 34,500.00	\$

Date 11-18-91 Date 12-18-91 Date SENT 12/5/91 Date _____
Submitted [Signature] Approved [Signature] Approved DIST.
PAUL R. HURST REG. ENGR. CITY/COUNTY ENGR. DISTRICT ENGR. Checked _____
FIELD REPORTS SERVICES

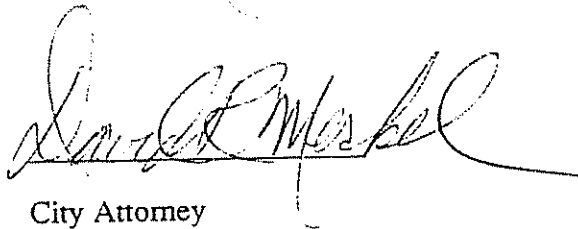
For Valuable Consideration, it is mutually agreed that the matter detailed above shall be done and payment made as shown herein for a Supplemental Agreement Change Order, as in accordance with the terms of the contract. For work being performed as a Supplemental Agreement Force Account Request, final payment shall be made as stipulated in the Standard Specifications and its supplements upon completion of said work.

Date 11-19-91 Date _____ Date _____
Approved for ENR Construction, Inc. Approved for State of Arizona _____ Approved with/without Federal Participation _____
[Signature] CONTRACTOR By _____ By _____
DEPUTY STATE ENGINEER DIVISION ADMINISTRATOR FEDERAL HIGHWAY CONSTRUCTION

APPROVAL OF THE TEMPE CITY ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION and the CITY OF TEMPE, and declare this agreement to be in proper form and within the powers and authority granted to the City under the laws of the State of Arizona.

DATED this 31st day of March, 1992.


City Attorney

RESOLUTION NO. 92.15

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF
TEMPE, ARIZONA, AUTHORIZING THE EXECUTION OF AN
AGREEMENT WITH THE STATE OF ARIZONA, DEPARTMENT OF
TRANSPORTATION

* * * * *

WHEREAS, the City of Tempe desires to have 270' of 66" storm
drain installed under the Mill Avenue viaduct, and

WHEREAS, with the construction of the East Papago Freeway
from Priest Drive to McClintock Drive, the Arizona Department of
Transportation is in agreement to have the contractor perform this
work at the contract bid price plus 15% engineering and
administration, and

WHEREAS, The Arizona Department of Transportation has
prepared an agreement setting forth the provisions and
responsibilities for installation of said storm drain, and

WHEREAS, the Arizona Department of Transportation has
estimated the costs of the City's participation as \$46,575.00.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE
CITY OF TEMPE, ARIZONA, as follows:

That the Mayor of the City of Tempe, hereby be authorized to
execute an agreement with the Arizona Department of Transportation
setting forth the provisions and responsibilities for installation of
270' of 66" storm drain under the Mill Avenue viaduct, Project No.
916397.

Resolution No. 92.15
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PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA
this 19th day of March, 1992.

Harry E. Mitchell
Mayor

ATTEST:

Helen R. Fowler
City Clerk

APPROVED AS TO FORM:

Robert H. [unclear]
City Attorney

I, Helen R. Fowler, the duly appointed City Clerk of the City of Tempe, Maricopa County, Arizona, do hereby certify the attached to be a true and exact copy of Resolution No. 92.15, passed and adopted at the Regular Council Meeting of March 19, 1992, by the Tempe City Council, Tempe, AZ.

DATED this 30th day of March, 1992.

Helen R. Fowler
Helen R. Fowler, CMC
City Clerk



STATE OF ARIZONA
OFFICE OF THE ATTORNEY GENERAL
1275 WEST WASHINGTON, PHOENIX 85007

GRANT WOODS
ATTORNEY GENERAL

May 29, 1992

MAIN PHONE : 542-5025
TELECOPIER : 542-4085

INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A. G. Contract No. KR91-2975-TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. §11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 28th day of May, 1992.

GRANT WOODS
Attorney General

A handwritten signature in dark ink, appearing to read "James R. Redpath", is written over a horizontal line.

JAMES R. REDPATH
Assistant Attorney General
Transportation Section

JRR:ls
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